

0-10-01

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 7697 ("THE ZONING ORDINANCE") TO RESTRICT THE PLACEMENT OF NEW ELECTRONIC CHANGEABLE COPY SIGNS TO CERTAIN DISTRICTS WITHIN THE CITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of North Little Rock, through Ordinance No. 7697 ("The Zoning Ordinance"), regulates signs, including electronic changeable copy signs; and

WHEREAS, a moratorium was declared on issuance of permits for electronic changeable copy signs through September 30, 2009 through the adoption of Resolution No. 7453 in order to study relevant issues concerning this type of signs; and

WHEREAS, an informal committee was formed to investigate applicable requirements for electronic changeable copy signs with a mission to establish appropriate regulations therefor; and

WHEREAS, the moratorium established by Resolution No. 7453 was clarified on September 28, 2009 through the adoption of Ordinance No. 8194 which extended the moratorium until December 31, 2009; and

WHEREAS, on December 14th and December 28th of 2009, the City Council adopted Ordinance Nos. 8219 and 8222, respectively, extending the moratorium until January 31st of 2010.

WHEREAS, after discussing numerous public hearings, site visits, inspections, and nationwide studies, the committee has determined that it is important for electronic sign regulations to be established at a point of regulatory balance among individual rights, commercial development, and public interests such as: aesthetic appearance, traffic safety, fair competition, light pollution, and sanctity of the home. Specifically, the committee has found that:

- The bright and quickly changing images shown on electronic changeable copy signs may present a safety hazard by distracting traveling motorists;
- The excessive proliferation of electronic changeable copy signs may result in visual blight;
- When located near residential areas, the light emissions from electronic changeable copy signs will likely interfere with the use and enjoyment of homes;
- The proper use of electronic changeable copy signs may enhance commerce;
- The current high cost and marketing value of electronic changeable copy signs may create a competitive disadvantage to small businesses that are valued by our community;
- The legal standard for treatment of electronic changeable copy signs is still evolving; and

- State law restricts the ability of the City to cause signs to be removed after they are emplaced.

WHEREAS, based upon the findings stated above, the committee has determined that the most prudent manner to regulate new electronic changeable copy signs is to prohibit them in all areas of the City, except those areas where the use of electronic changeable copy signs present a greater benefit to society than the burden imposed; and

WHEREAS, the committee has determined that electronic changeable copy signs are more appropriate where: (1) little or no residential property is present, (2) few traffic accidents regularly occur; (3) no historic district or property is present, and (4) the installation of electronic changeable copy signs is consistent with the stated aesthetic goal for the area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That there is hereby ADDED a subsections E and F to Section 14.6 of Ordinance No. 7697 ("The Zoning Ordinance") which shall state as follows:

Section 14.6 - Nonconforming Signs and Sign Uses

E. Maintenance of nonconforming electronic changeable copy signs:

Existing electronically changeable copy signs may be maintained; provided that such maintenance shall not result in the physical enlargement, increased brightness, or increased rate of copy change, of the electronic changeable copy sign.

F. Replacement of nonconforming electronic changeable copy signs:

Any replacement of an existing electronic changeable copy sign shall require a new permit and shall meet the requirements that are in existence at the time the permit is issued.

SECTION 2: That the current language in Section 14.19 of the Zoning Ordinance is hereby deleted in its entirety and replaced with the following language:

Section 14.19 - Electronic Changeable Copy Signs

- A. Electronic changeable copy signs are prohibited except as specifically authorized within specified sign overlay districts.
- B. Sign overlay districts which allow Electronic Changeable Copy Signs may be created from time to time upon determination by the City Council that the signs may be generally regulated in such a manner that is consistent with the public interest in protecting traffic safety, upholding aesthetic appearance, minimizing the intrusion of light into residential homes, and other important interests. Sign

overlay districts permitting Electronic Changeable Copy Signs shall only be considered along collector streets, minor or principal arterial streets, and interstate – freeways, where:

1. little or no residential property is present;
 2. few traffic accidents regularly occur;
 3. no historic district or historic property is present; and
 4. the installation of electronic changeable copy signs is consistent with the stated aesthetic goal for the area.
- C. Sign overlay districts permitting the installation of Electronic Changeable Copy Signs shall regulate both sides of a street and may specifically regulate height, width, mass, brightness, setback, spacing, or other physical characteristics relevant to the particular district. No district shall be established for the purpose of authorizing a single sign.
- D. Electronic signs properly placed within a sign overlay district shall comply with the rules listed within this section in addition to rules applicable to the district. If there is a conflict between the general rules found in this section and the rules applicable to a sign overlay district, the more restrictive standard shall apply.

1. Display Characteristics

a. Light Emissions. The light emitted by an electronic changeable copy sign shall not increase area illumination by more than 0.3 foot candles above ambient levels as measured by a foot candle meter at the distance and using the method described in this section. Existing signs shall not be exempt from the requirements of this subsection or entitled to variance from the same by Section 14.6.

The reading should be taken with the meter aimed directly at the digital sign at the appropriate pre-set distance. Measurement distance criteria follows:

Size of Sign		Approximate distance between sign and measurement device
a.	0 – 350 square feet	150 feet
b.	351-650 square feet	200 feet
c.	651-100 square feet	250 feet
d.	Over 1000 square feet	350 feet

Measurements of ambient light and sign output may be taken at any time. Nighttime measurements shall be taken no less than 30 minutes past sunset and no more than 30 minutes prior to sunrise.

Ambient light shall be determined using a foot candle meter at the appropriate distance as indicated in this section while the electronic changeable copy sign is off or displaying all black copy. Increased ambient light caused by the

electronic changeable copy sign shall be determined by using the same meter at the same location after causing the electronic changeable copy sign to show full white copy. If the difference in the two readings is greater than 0.3 foot candles, then the light emitted by the electronic changeable copy sign exceeds the level authorized by this section.

b. Movement. The illusion of movement by means of a preprogrammed (repetitious or sequential) switching action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns, is prohibited.

c. Rate of Change. The electronic activated changes are allowed in 15 second intervals. Time and temperature characters may change at real time.

2. Physical Characteristics

a. Ground Mounted Signs (Monument). No freestanding (pole) signs permitted.

i. Height. Signs shall be limited to a maximum of 6 feet in height.

ii. Square footage. Signs shall be limited to a maximum of 64 square feet. The area of the electronic changeable copy portion of the sign shall not exceed 75 percent of the total square footage.

iii. Location. Signs shall be located a minimum of 5 feet from any property line.

b. Wall Signs.

i. Square footage. Signs shall be limited to a maximum of 40 square feet.

ii. Location. Signs must face a required street frontage.

c. Number of signs. Electronic changeable copy signs shall be limited to one per property.

SECTION 3: CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. To the extent that another ordinance regulating the same subject matter as this ordinance may be read in harmony together, it is the legislative intent of the City Council to impose the more restrictive standard on the placement of electronic changeable copy signs, even if such interpretation results in the reduction of speech and expression.

SECTION 4: SEVERABILITY. That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions, even if such interpretation results in the reduction of speech and expression.

SECTION 5: EMERGENCY. It is hereby found and determined that the establishment of regulations for electronic changeable copy signs is necessary to terminate a moratorium that has continued for several months and allow the predictable sales and installation of electronic changeable copy signs in North Little Rock in a manner that will not decrease traffic safety, reduce property values, detract from the aesthetic beauty of the City, and infringe upon the sanctity of homes; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

SPONSORS:

ATTEST:

Murry Witcher
Alderman Murry Witcher

Mayor Patrick H. Hays

Debi Ross
Alderman Debi Ross

Diane Whitbey, City Clerk

Beth White
Alderman Beth White

Linda Robinson
Alderman Linda Robinson

FILED 11:58 A.M. PM.

BY City Atty - Carter

DATE 1-5-10

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED by Bobby Dudley

APPROVED AS TO FORM:

C. Jason Carter
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY